



US Army Corps
of Engineers®

Public Notice

Public Notice No. 07-67

Date: August 2, 2007

Nashville District

Application No. 200600583 Expires: September 1, 2007

Please address all comments to: Regulatory Branch, 3701 Bell
Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Stream Encapsulations at Unnamed Tributaries to
the West Prong Little Pigeon River, in Pigeon Forge, Sevier
County, Tennessee

TO ALL CONCERNED: The application described below has been
submitted for a Department of the Army Permit pursuant to **Section
404 of the Clean Water Act (33 USC 1344) and Tennessee Valley
Authority permit pursuant to Section 26a of the TVA Act (16 USC
831y-1)**. Before a permit can be issued, certification must be
provided by the State of Tennessee, Division of Water Pollution
Control, pursuant to Section 401(a)(1) of the CWA, that applicable
water quality standards will not be violated. The applicant has
applied for the State certification by separate application
(NRS 06-258).

APPLICANT: City of Pigeon Forge
P.O. Box 1350
Pigeon Forge, Tennessee 37868-1350

LOCATION: Unnamed tributaries to the West Prong Little Pigeon
River, in Pigeon Forge, Sevier County, Tennessee, Lat 35.8048N,
Lon 83.5655W, USGS Pigeon Forge Topographic Quadrangle.

DESCRIPTION: The applicant proposes to construct 2,800' of
roadway called Pigeon Falls Lane (PFL) to alleviate regional
traffic problems. PFL would serve the proposed Pigeon Falls
Village (see *Additional Proposed Area Development* later in this
document) and as access from Pigeon Forge to other venues such as
the Dollywood Theme Park in Pigeon Forge.

Approximately 1,102' (and 297' of ephemeral) of an unnamed
intermittent tributary to the West Prong of the Little Pigeon
River would be filled. The unnamed tributary is approximately 4-
6' wide, with average channel depths of 4-6' upstream and 3-4'
downstream, a mud and silt substrate, and water depths of 2-4".
In-stream habitat is very limited. Pools, riffles, and point

bars, were not visible in most of the stream. Macroinvertebrate life was observed. French drains and pipes would be used in the channel to collect the subsurface seeps and springs. An impermeable layer would be constructed over the french drain and pipe to separate the subsurface flow from the proposed development. In addition, a collection system with subsurface treatment is designed to collect/treat stormwater runoff from the majority of the new proposed area roadways (Pigeon Falls Lane and the Teaster Lane/Jake Thomas Road Improvements and Parking Area advertised under separate public notice--See *Additional Proposed Area Development* later in this document).

Alternatives. The applicant states that it has made efforts to avoid stream impacts but because of existing and proposed development the option for acquiring right-of-way is limited. It adds that topography, regional traffic concerns, and regional road improvements were related to the need to locate the road at its proposed location.

Mitigation. Suitable mitigation sites in the area were not found during a search by the applicant, and therefore compensatory stream mitigation for impacts to 1,102' of stream would consist of a payment of \$200/linear foot to the Tennessee Stream Mitigation Program.

ADDITIONAL PROPOSED AREA DEVELOPMENT: By separate public notices we are advertising additional projects planned for the Pigeon Forge area. Information on these projects may be obtained by visiting: <http://www.lrn.usace.army.mil/cof/notices.htm>

Pigeon Falls Village: Pigeon Falls, LLC proposes to commercially develop an 85-acre tract located north-northeast of the Jake Thomas Road and Teaster Lane intersection. (Public Notice 07-68, File 200602640)

Teaster Lane/Jake Thomas Road Improvements and Parking Area: The City of Pigeon Forge proposes to extend Jake Thomas Road, widen Teaster Lane, expand the intersection at Teaster Lane and Jake Thomas Road, and create a regional parking facility as part of its regional road plan to address traffic problems in Pigeon Forge. (Public Notice 07-69, File 200701556)

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected

to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

A Phase I archaeological survey was completed by DuVall & Associates, Inc., in 2004. The report entitled: *A Phase I Archaeological Survey of the Proposed Riverwalk Park Development (Management Area A: Uplands) Along Teaster Lane in Pigeon Forge, Sevier County, Tennessee*, documents that no archaeological sites or historic properties were identified on the development site. The Corps agrees with this conclusion and through this notice is requesting concurrence from the Tennessee Historical Commission. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or

properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before September 1, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Karen Stewart, Holston-Cherokee-Douglas Watershed Team, 3726 E. Morris Boulevard, Morristown, Tennessee 37813-1270.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



BLUE-LINE STREAMS AND EPHEMERAL CHANNELS TO BE IMPACTED BY PROPOSED CONSTRUCTION OF PIGEON FALLS LANE

APPROXIMATE LOCATION OF PROPOSED PIGEON FALLS LANE

CITY OF PIGEON FORGE
FILE NO. 200600583
DPN NO. 07-67
EXHIBIT A

Topo Name: Pigeon Forge, TN	Scale: 1" = 1500'
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Topo Date: 1956

Topo Revision: 1970

Contour Interval: 20 feet

Site Vicinity Map

**Proposed Pigeon Falls Lane
Pigeon Forge, Tennessee**

Project No: 1434-05-679

Scale: 1" = 1500'

Checked By: EMP

Drawn By: BD

Date: 06/10/05

Topo Name: Pigeon Forge, TN

Topo Date: 1956

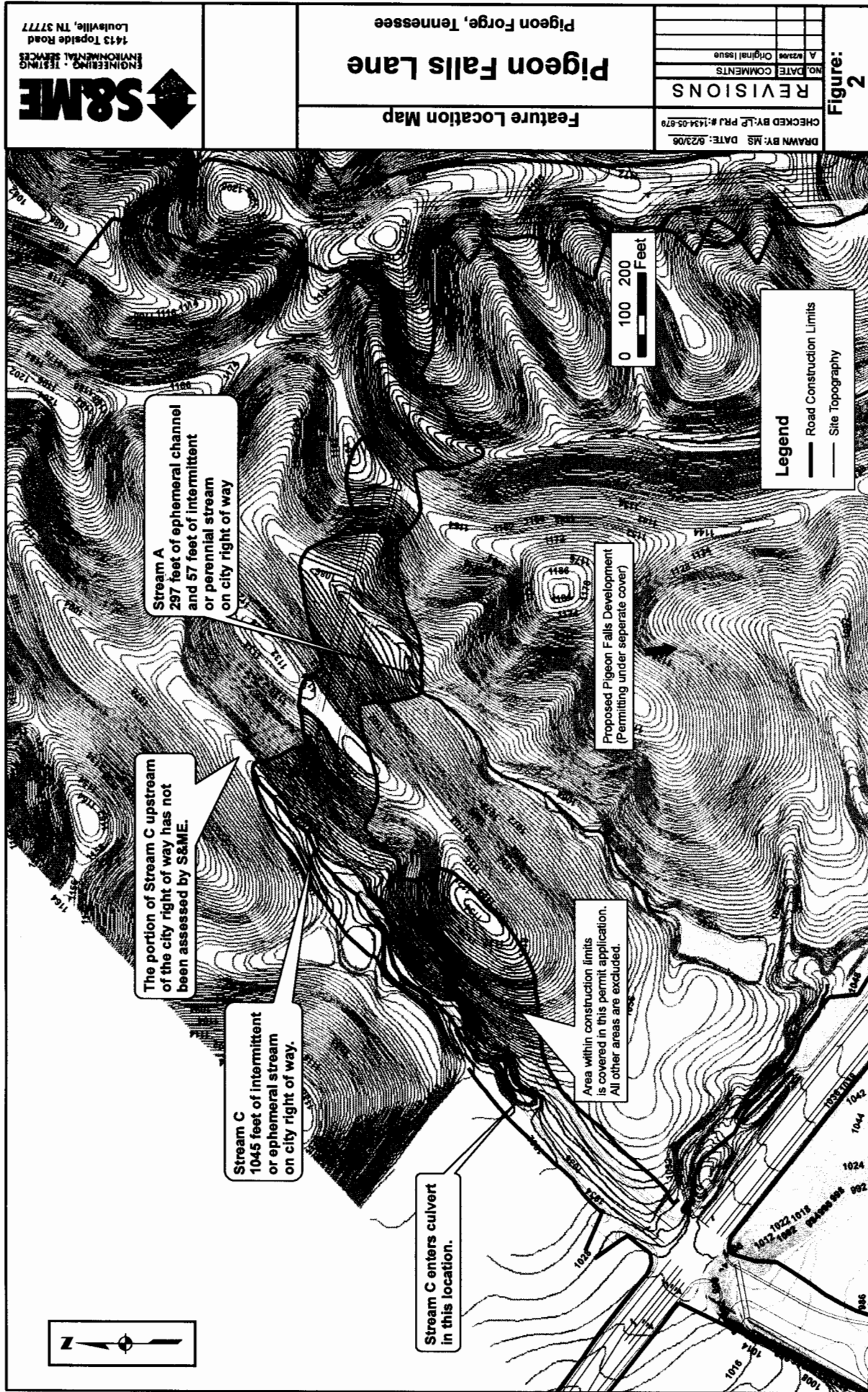
Topo Revision: 1970

Contour Interval: 20 feet

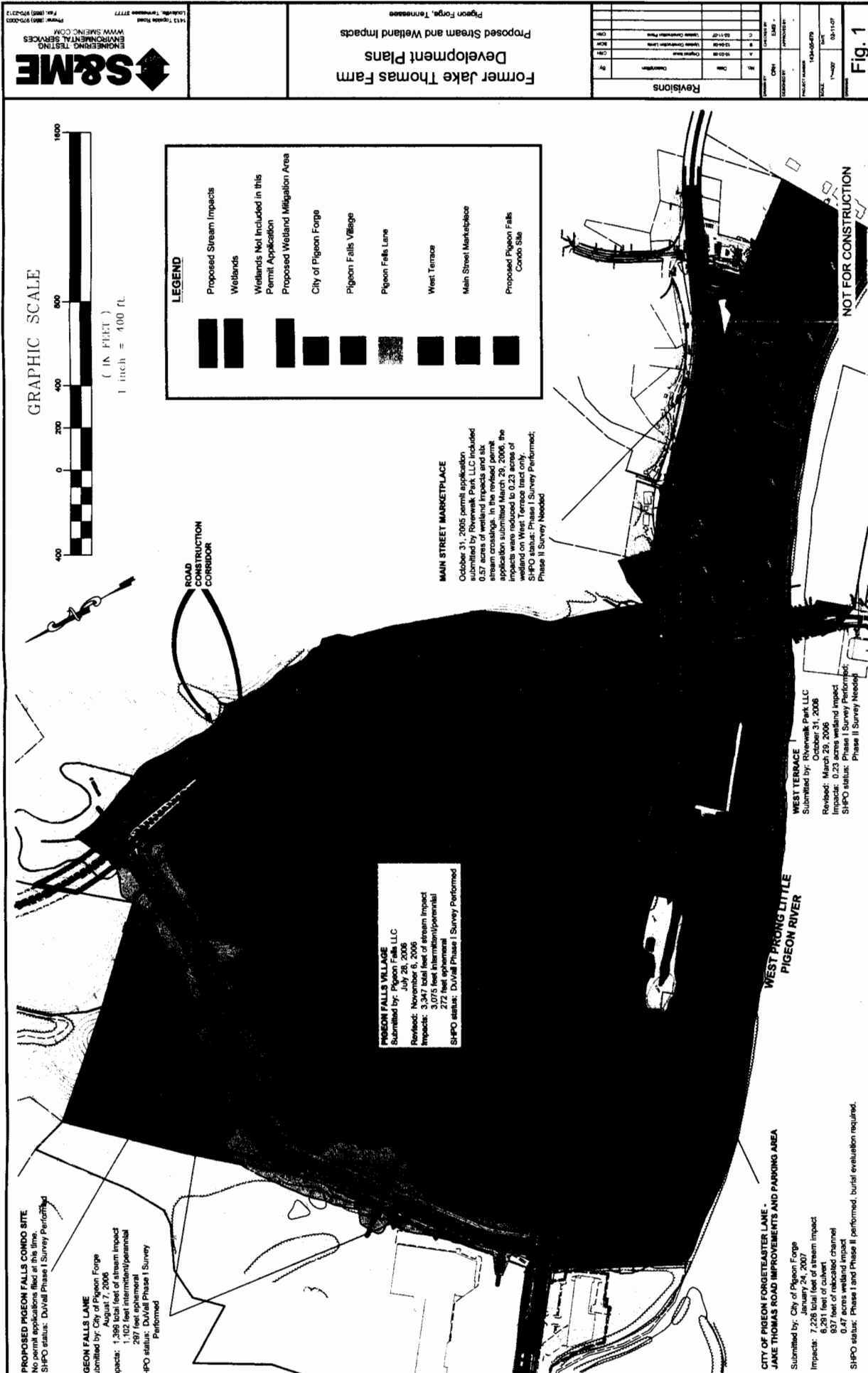


Figure

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CITY OF PIGEON FORGE
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 EXHIBIT B



Revisions

NO.	DATE	DESCRIPTION
1	03-11-07	Initial Design
2	03-11-07	Initial Design
3	03-11-07	Initial Design
4	03-11-07	Initial Design
5	03-11-07	Initial Design
6	03-11-07	Initial Design
7	03-11-07	Initial Design
8	03-11-07	Initial Design
9	03-11-07	Initial Design
10	03-11-07	Initial Design

Fig. 1

CITY OF PIGEON FORGE
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EXHIBIT C